

## **MINUTES**

### **February 7, 2006**

The State Board of Registration for Professional Engineers and Land Surveyors met on February 7, 2006 in Conference Room 202 at the office of the Professional Licensing Boards, 237 Coliseum Drive, Macon, Georgia 31217.

#### **BOARD MEMBERS PRESENT:**

E. Charles Vickery, PE - Chairman  
Doris I. Willmer, PE  
Mark E. Chastain, LS  
John H. Sweitzer, PE  
Richard K. Little, PE

#### **BOARD MEMBERS ABSENT:**

Gloria B. Ransom, Ph.D., Public Member  
Guy F. Ritter, PE  
William W. Dean, PE

#### **STAFF PRESENT:**

J. Darren Mickler – Board Executive Director  
Julie Busbee – Board Secretary  
Vivian Stephens – Board Application Specialist

#### **ATTORNEY GENERAL REPRESENTATIVE:**

Patricia Downing, Senior Assistant Attorney General

#### **GUESTS PRESENT:**

Jeremiah Easley, representing American Society of Civil Engineers (ASCE)  
Major Thompson, representing the Coalition  
Bill Jorden, representing the Coalition

#### **Call to order:**

Chairman Vickery called the meeting to order at 9:50 am. Mr. Vickery asked for any additions or deletions to the proposed agenda. Mr. Chastain moved to adopt the agenda as presented. Mr. Little seconded. Motion carried.

#### **Approval of Minutes:**

Chairman Vickery presented a draft of the January 10, 2006 minutes and asked for any additions or deletions. Ms. Willmer moved to adopt the minutes as written. Mr. Chastain seconded. Motion carried.

### **Professional Societies and Guests**

Chairman Vickery recognized the guests present – Jeremiah Easley, representing American Society of Civil Engineers (ASCE), Major Thompson and Bill Jorden, both representing the Coalition.

### **Executive Director's Report**

Mr. Mickler reported on plans for the 2006 NCEES Southern Zone Meeting. He reported that the registration material is ready and he is waiting for mailing labels to be supplied from NCEES. There was general discussion regarding tour and dinner arrangements. No action taken.

### **Old Business:**

#### **Coalition Report – Board Responses/Discussion:**

Ms. Willmer presented a summary of Board responses to a letter from Bill Jorden, Chairman of the Board of Registration Coalition, requesting to obtain Resource Requirements of the Board – specifically 1) additional staff needed, 2) non-personnel resources needed, and 3) number of days required for completing complaints and approving/disapproving application for comity and exam.

#### **Legal advice from Attorney General's Office regarding Board Policy 04-02:**

At the request of the Board, Ms. Downing presented a memorandum of legal advice regarding Board Policy 04-02, which limits out of state residents to comity licensing. Ms. Downing concluded in part that "The policy appears to conflict with O.C.G.A 43-15-17(a)...and additionally, federal law may invalidate the policy." The Memorandum was received by the Board for further review. No action was taken.

#### **Legal advice from Attorney General's Office regarding Branch Offices of PE Firms :**

The Board had requested legal advice on whether a branch office of a PE firm could practice or offer to practice engineering, when the branch office did not have a PE in the office on a daily basis to provide supervision. The Memorandum answered the question as two separate questions.

First, in response to the question, "Can the branch office practice engineering?" the Memorandum concluded in part that "...a branch office of an engineering firm may not practice engineering without a registered professional engineer ("PE") in the branch office to provide direct supervisory control on a daily basis the majority of the working time."

Secondly, in response to the question, "Can the branch office offer to practice engineering?" The Memorandum concluded in part that "It is within the authority of the Board to determine whether a firm may advertise to provide professional engineering services at a branch office, when the branch office does not have a PE in the office to provide direct supervisory control on a daily basis."

The Memorandum was received by the Board for consideration. No action was taken.

#### **Executive Session:**

**At 11:25 am, Ms. Willmer moved for the Board to enter into Executive Session to deliberate on applications and enforcement matters and to receive information on complaints and investigative reports. Mr. Chastain seconded. Motion carried.**

**The following Board members were present during Executive Session – Chairman Vickery, Mr. Little, Ms. Willmer, Mr. Chastain, and Mr. Sweitzer.**

**Reconvened Open Session at 1:10 pm with the following Board members present - Chairman Vickery, Mr. Little, Ms. Willmer, Mr. Chastain, and Mr. Sweitzer.**

#### **New Business:**

##### **Coalition Report – Board Responses Presented to Bill Jorden**

Ms. Willmer presented the summary of Board responses to Mr. Jorden. There was general discussion about Board needs and resource needs. Mr. Jorden will take the information back to the Coalition meeting to make a final recommendation.

#### **Investigations and Complaints:**

PELS050109 – This case involved unlicensed advertising of a Professional Engineer in a magazine in Georgia. Mr. Chastain moved to close the case as resolved. Mr. Sweitzer seconded. Motion carried.

PELS060040 – This case involved allegations of substandard practice of professional engineering. Ms. Willmer moved to close the case with no action. Mr. Little seconded. Motion carried.

PELS060014 – This case involved a land surveyor with allegations of plan-stamping. Mr. Chastain moved to close the case due to the death of the respondent. Mr. Little seconded. Motion carried.

PELS030033 – This case involved unlicensed practice of land surveying. Mr. Chastain moved to close the case by request of the complainant. Ms. Willmer seconded. Motion carried.

Ms. Willmer moved to accept a signed Consent Order for Reinstatement with a \$2000 penalty from Edwin Davis, PE010704. Mr. Chastain seconded. Motion carried.

Ms. Willmer moved to accept a signed Consent Order with a \$500 penalty from Juan Ruiz, PE018145. Mr. Chastain seconded. Mr. Sweitzer abstained. Motion carried.

### **Reinstatement:**

Ms. Willmer moved to reinstate the license of Todd Bredbenner, PE013120. Mr. Little seconded. Motion carried.

### **Board Memo Comity Model Law Applicants:**

Applicants for registration as Professional Engineers by comity, who have an ABET engineering degree, who have taken and passed an 8-hour fundamentals of engineering (EIT/FE) exam, who have a minimum of 48 months post graduation engineering experience as determined by a staff evaluation using the present Board guidelines, who have taken and passed an 8-hour principles and practice of engineering exam (PE Exam-taken at least 4 years after BS degree), and who comply in every way with the provisions of the appropriate law are as follows:

30880 Lin, Mike N.	30881 Hain, Martin W.	30901 Hamilton, Louis A.
30902 Reese, John D.	30903 Morrow, James W.	30907 Gehman, Robert Jr.
30908 Larson, John F.	30909 Littlefield, Damon M.	30910 Offerle, Thomas P.
30911 Renn, Timothy S.	30912 Bryan, John R.	30913 Oleynik, David J.
30914 Hauser, Eric D.	30915 Payne, William S. III	30916 Kelvington, Joseph T.
30917 Hathaway, Willard B.	30918 Mosure, Thomas E.	30919 Bowman, Fred W.
30920 Huston, Derek E.	30921 Mott, Russell W.	30922 Nix, Keith M.

Motion was made by Ms. Willmer to approve these applicants for PE registration by comity @ 43-15-16(a), via 43-15-8(1) and 43-15-9(1). The motion was seconded by Mr. Little. The motion carried.

### **Board Memo Engineering-In-Training – Senior Applicants:**

Applicants for certification as Engineers-in-Training by examination who are currently enrolled as seniors in ABET approved programs in schools, colleges or universities in Georgia, who have filed with the Board five acceptable references, who have had no convictions for moral turpitude or other substantive reasons, and in every way comply with the provisions of the appropriate law(s) are as follows:

#### **GEORGIA SOUTHERN UNIVERSITY**

Thomas, Brad D.

Gaines, Earnest Lamar

#### **GEORGIA INSTITUTE OF TECHNOLOGY**

Anyikire, Chikaodili Edward

Meeks, Jr., Wedrell Bennett

**SAVANNAH STATE UNIVERSITY**

Sapp, James Burton

**UNIVERSITY OF GEORGIA**

Cole, Megan Alayne

Myrick, Meridith Rene

Shealy, Meghan Elizabeth

Motion was made by Ms. Willmer to approve these applicants for EIT certification @ 43-15-8(1) or 43-15-8(2). The motion was seconded by Mr. Little. The motion carried.

There being no further business, at 2:45 pm, Ms. Willmer moved to adjourn. Mr. Little seconded. Motion carried. Some Board members remained to review applications until they were finished.

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Board Chairman

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Division Director

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These minutes were approved at the March 14, 2006 Board meeting.